

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

CHARLES HOLLOWAY,

Petitioner,

v.

Case No. 88-cv-71422
Hon. Matthew F. Leitman

DARRELL STEWARD,

Respondent.

/

ORDER DENYING PETITIONER A CERTIFICATE OF APPEALABILITY

Petitioner Charles Holloway is a state prisoner in the custody of the Michigan Department of Corrections. On October 20, 2021, the Court issued an order denying Holloway's motion to re-open these habeas proceedings. (*See* Order, ECF No. 26.) At that time, the Court did not address whether Holloway was entitled to a Certificate of Appealability. The Court does so now and **DENIES** Holloway such a certificate.

A court "may issue" a Certificate of Appealability "only if the applicant has made a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2). To demonstrate such a denial, Holloway must show that reasonable jurists could debate whether the petition should have been resolved in a different manner or that the issues presented are adequate to deserve encouragement to proceed further. *See Slack v. McDaniel*, 529 U.S. 473, 483-84 (2000). Here, jurists of reason would not debate the Court's conclusion that Holloway was not entitled to

relief on his motion to re-open these habeas proceedings. The Court therefore **DENIES** Holloway a certificate of appealability.

IT IS SO ORDERED.

Dated: February 16, 2022

s/Matthew F. Leitman

MATTHEW F. LEITMAN

UNITED STATES DISTRICT JUDGE

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on February 16, 2022, by electronic means and/or ordinary mail.

s/Holly A. Ryan

Case Manager

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